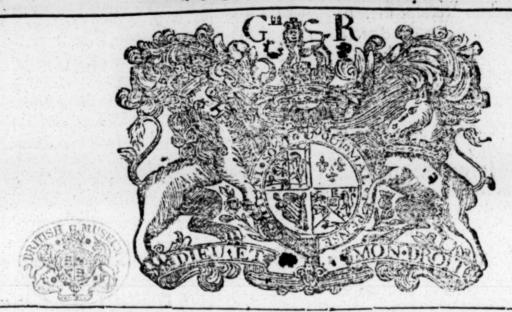
Supply of the Treasury.

167



Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the Massachusetts-Bayin New-England: Begun and Held at Boston upon Wednesday the twenty-eighth Day of May 1755.

CHAP. I.

An Act for supplying the Treasury with the Sum of Fifty Thousand Pounds, for discharging the publick Debts, and for drawing the fame into the Treafury.

HEREAS the Provision heretofore made by this Court is insufficient Preamble. to discharge the Debts of the Government; and whereas there are, and will be several Demands upon the Treasury, which do and will require Speedy Payment: Therefore,

Be it enaded by the Governour, Council and Poule of Repre- Treasurer to fentatines, That the Treasurer of the Province be and hereby is impowered to borrow £. 50; ered and directed to borrow from fuch Person or Persons as shall be willing ooo. to lend the same, a Sum not exceeding the Sum of Fifty Thousand Pounds, in mill'd Dollars at fix Shillings each, or in other Silver at fix Shillings and eight Pence per Ounce, for a Term not exceeding three Years; and the Sum so borrowed, shall be applied in Manner as in this Act is hereafter directed; and for every Sum so borrowed the Treasurer shall give a Receipt and Obligation in Form following:

Province of the Massachusetts-Bay. Day of Received of the Sum of for the Use and surer's Receipt Service of the Province of the Massachusetts-Bay; and in Behalf of said Province, I do hereby promise and oblige my Self and Successors in the Office of Treasurer, to repay the said or Order, the Day of 175 , the aforesaid Sum of in Coined Silver of Sterling Alloy, at fix Shillings and eight Pence per Ounce, or Spanish mill'd Dollars, at fix Shillings each, with Interest annually at the Rate of fix per Cent. per Annum. Witness my Hand, A. B. Treasurer.

Form of Trea-

And

Supply of the Treasury.

Treasurer directed in borrowing Mo-

And no Receipt shall be given for a Sum less than fix Pounds; and the Treasurer is hereby directed to use his Discretion in borrowing said Sum, at fuch Times as that he may be enabled to comply with the Draughts that may be made on the Treasury in Pursuance of this Act.

And whereas it may happen that some of the Persons who have done Service for this Government, and for the Payment of which, the Sum raised by this Act is intended, may be willing to lend the Sum due to them on Interest, and take the

Treasurer's Notes for the Money so lent:

Treasurer to

Be it further enacted, That when and so often as any Person or Pergive Notes on fons who shall have a Warrant on the Treasury payable out of any of the Appropriations mentioned in this Act, and shall bring such Warrant to the Treasurer, expressing his Willingness to lend the Sum mentioned in said Warrant to the Government, the Treasurer in such Case shall give out his Notes therefor in like Manner as if the same Sum had been brought to him in Dollars or other Silver, and shall charge the respective Appropriations with the Payment thereof, until fuch Appropriations shall be exhausted.

Former Warrants on exhausted Appropriations to be paid.

£.17,350 to be iffued for Expedition to Crown-Point.

rifons.

£.9500 for Provisions, Commissary's Difburfements &c.

5. 7000 for Premiums,&c.

L. 1500 for Debts where there is no Establishment, &c.

£. 2000 for Pay of Councellors and Representatives Attendance.

£. 150 for contingent Charges.

ooo granted,

in 1756.

and be it further enacted, That any Warrants which may have been given by the Governour and Council, and were payable out of any exhausted Appropriations in any former Acts for supplying the Treasury, shall be paid respectively out of the Appropriations for the like Purpose in this Act.

and be it further enacted, That the aforesaid Sum of Fifty Thousand Pounds when received into the Treasury, shall be issued out in Manner and for the Purposes following, that is to say, seventeen Thousand three Hundred and fifty Pounds, Part of the Sum of fifty Thousand Pounds, shall be applied for the Service of the Expedition against Crown-Point; And the further L.12,500 for Sum of twelveThousand five Hundred Pounds, Part of the Sum of FiftyThousand Forts and Gar- Pounds, shall be applied for the Service of the several Forts and Garrisons within this Province, pursuant to such Grants and Orders as are or shall be made by this Court for those Purposes; And the further Sum of nine Thousand five Hundred Pounds, Part of the aforesaid Sum of Fifty Thousand Pounds, shall be applied for purchasing Provisions, and the Commissary's necessary Disbursements for the Service of the several Forts and Garrisons within this Province : And the further Sum of seven Thousand Pounds, Part of the aforesaid Sum of FiftyThousandPounds, shall be applied for the Payment of such Premiums and Grants that now are, or may hereafter be made by this Court; And the further Sum of fifteen Hundred Pounds, Part of the aforesaid Sum of Fifty Thousand Pounds, shall be applied for the discharge of other Debts owing from this Province to Persons that have served, or shall serve them by Order of this Court, in fuch Matters and Things where there is no Establishment, nor any certain Sum affigned for that Purpose, and for Paper, Writing and Printing for this Court; And the Sum of two Thousand Pounds, Part of the aforesaid Sum of Fifty Thousand Pounds, shall be applied for the Payment of his Majesty's Council, and House of Representatives, serving in the Great and General Court, during the several Sessions for the present Year.

And whereas there are sometimes contingent and unforeseen Charges that demand prompt Pay:

Be it enacted, That the Sum of one Hundred and fifty Pounds, being the remaining Part of the aforesaid Sum of Fifty Thousand Pounds, be applied to pay fuch contingent Charges, and for no other Purpose whatsoever.

And in order to draw the Money into the Treasury again, and enable the Treasurer effectually to discharge the Receipts and Obligations, (with the Interest that may be due thereon) by him given in Pursuance of this Att:

Be it enacted, That there be and hereby is granted to his most excel-Tax of £.36, lent Majesty a Tax of thirty fix Thousand Pounds to be levied on Polls and

Supply of the Treasury.

169

Effates Real and Personal within this Province, according to such Rules and in fuch Proportion on the several Towns and Districts within the same as shall be agreed on and ordered by the General Court of this Province at their Session in May One Thousand seven Hundred and fifty six, which Sumshall be paid into the Treasury on or before the thirty first Day of March

And a further Sum of fourteen Thousand Pounds, the remaining Part of the Tax of [14 aforesaid Sum of Fifty Thousand Pounds to be levied on Polls and Fstates Real coo in 1757. and Personal within this Province according to such Rules and in such Proportion on the feveral Towns and Districts within the same, as shall be agreed. on and ordered by the General Court of this Province at their Session in May One Thousand seven Hundred and fifty seven; which Sum shall be paid into the Treasury on or before the thirty-first Day of March next after.

And as an additional Fund to enable the Treasurer to discharge the said Notes: Be it enacted, That the Duties of Impost for the Year One Thousand Fund. feven Hundred and fifty fix shall be applied for that Purpose, and for no other Purpose whatsoever,

And as a further Fund to enable the Treasurer to discharge faid Receipts and

Obligations by bim given in Pursuance of this Att:

Be it enacted, That the Duties of Excise or so much of that Duty (as Further Fund: is not already Mortgaged) arising by Virtue of an Act for granting unto his Majesty an Excise upon Spirits distilled, and Wine, and upon Limes, Lemmons and Oranges, for the Year One Thousand seven Hundred and fifty five, shall be applied for the Payment and Discharge of the Principal and Interest that shall become due on saidNotes, and to no other Purposes whatfoever.

And as a further Fund as aforesaid:

Be it enacted, That the Duties arising by the Act for granting to his Further Fund. Majesty several Duties upon Velium, Parchment and Paper the second Year from the Commencement of faid Act, shall be applied for the Payment and Discharge of the Principal and Interest that shall be due on faid Notes,

and no other Purpose whatsoever. and be it surther enacted, That in Case the General Court shall not Rule for Apat their Sessions in May and before the thirtieth Day of June, One Thousand portioning the feven Hundred and fitty fix, and One Thousand seven Hundred and fitty Tax in Cale feven, agree and conclude upon an Act apportioning the Sums which by fhallbeagreed this Act are engaged to be in faid Years apportioned, affeffed and levied, on, that then and in such Case each Town and District within this Province, shall pay by a Tax to be levied on the Polls and Estates both Real and Perfonal within their Districts, the same Proportions of the said Sums, as the faid Towns and Districts were taxed by the General Court in the Tax Ace then last preceeding, (faving what relates to the Pay of the Representatives, which shall be affessed on the several Towns they represent;) and the Province Treasurer is hereby fully impowered and directed sometime in the Months of July, One Thousand seven Hundred and fifty-six, and One Thoufand seven Hundred and fifty seven, to issue and send torth his Warrants directed to the Select-Men or Affestors of each Town and District within this Province, requiring them to affess the Polls and Estates both Real and Perfonal within their several Towns and Districts for their respective Part and Proportion of the Sum before directed and engaged to be affeffed; and the Affestors as also Persons affested, shall observe, be governed by, and subject to all fuch Rules and Directions as have been given in the last preceeding Tax Act.

170

Supply of the Treasury.

The Treasurerto conform to the Appropriations.

and be it further enacted, That the Treasurer is hereby directed and ordered to pay the Sum of Fifty Thousand Pounds out of such Appropriations as shall be directed by Warrant, and no other; and the Secretary to whom it belongs to keep the Muster-Rolls and Accompts of Charge, shall lay before the House of Representatives when they direct, such Muster-Rolls

and Accompts after Payment thereof.

Proviso.

Provided always, That the Remainder of the Sum which shall be brought into the Treasury by the Duties of Impost, Excise and Stamp Duties before mentioned, and the Tax of Fifty Thousand Pounds, ordered by this Act to be affeffed and levied over and above what shall be sufficient to discharge the Notes and Obligations aforefaid, shall be and remain as a Stock in the Treafury, and to be applied as the General Court of this Province shall hereafter order, and to no other Purpose whatsoever; any Thing in this Act to the contrary notwithstanding.

CHAP. II.

An Act for granting the Sum of Thirteen Hundred Pounds for the Support of his Majesty's Governour.

E it enacted by the Governour, Council and House of Representatives, That the Sum of Thirteen Hundred Pounds be and hereby is granted unto his most excellent Majesty, to be paid out of the publick Treasury to his Excellency WILLIAM SHIRLEY, Esq. Captain General and Governour in Chief in and over his Majesty's Province of the Massachuseets-Bay, for his past Services, and further to enable him to go on in managing the publick Affairs.

The two foregoing Asts were Published June 12th 1755.]

CHAP. III.

An Act for the more effectual Prevention of Supplies of Provisions, and War-like Stores to the French, from any Parts of this Province.

Preamble.

THEREAS notwithstanding the Provision already made by the Laws of this Government, divers evil-minded Persons have found Means to transport Provisions to Louisbourg; either direct from this Province, or else from this Province to some Parts of Newfoundland, and from thence to Louisbourg; by Means whereof the present Measures now engaged in by his Majesty's Forces for the Security of his Subjects, and for removing the Encroachments made upon bis Territories; may be prejudiced and defeated:

No Provisions nor Warlike Stores shall be exported, before Bond given &c.

Be it therefore enacted by the Governour, Council and Bouse of Representatives, That no Provisions except Cod-Fish, nor War-like Stores, except fo much only as shall be necessary for the ordinary Victualling and Defence of any Vessel during her proposed Voyage, shall be exported from any Port or Part of this Province, until Bond be first given by the Master of such Vessel, with sufficient Sureties in the Penalty of One Thousand Pounds Sterling, to the Officer or Commissioner of Impost, That all such Provisions and War-like Stores so laden, shall be relanded in some Part of this Province, or landed in some one of his Majesty's Colonies to the Southward of Newfoundland, or at Annapolis-Royal, or Hallifax in Nova-Scotia; and that Certificate shall be returned within twelve Months from the Officer of the Customs in the Places where they shall be landed, that the whole of such Provisions and War-like Stores have been so landed. And if any Person

Exportation of Provisions.

171

Person shall presume to export Provisions or War-like Stores from this Province in a clandestine Way, and without obtaining a Clearance from the Naval Officer, every Person so offending shall be subject and liable to all the Penalties provided by an Act of this Province made and pass'd this prefent Year, intitled, An Act to encourage and facilitate the Removal and Prevention of French Encroachments on his Majesty's North-American Territories.

and be it further enacted, That the Naval Officer shall give no Clearance for any Vessel, until Certificate be produced from the Commissioner of Impost, That the Master of such Vessel has conformed to the Rules prescribed by this Act.

and be it further enacted, That Oath shall be made by the Master of every Vessel clearing out, before the Commissioner of Impost, as to the whole Quantity of Provisions, and War-like Stores laden or intended to be laden on Board fuch Veffel.

This Act to continue and be in Force until the twelfth Day of September Limitation next, and no longer.

[The foregoing Act was Published June 14. 1755.

CHAP. IV.

An Act for preventing the Exportation of Provisions, and War-like Stores out of this Province.

THERE AS the Measures already taken for preventing Provisions and Warlike Stores being carried to the French, have proved ineffectual for that Preamble. Purpose:

Be it enacted by the Governour, Council and House of Reprefentatives, That no War-like Stores or Provisions of any Kind whatsoever Exportation (Fish only excepted) shall be exported or carried out of any Port or Harbour Stores and in this Province in any Vessel whatever, before the twenty fourth Day of Provisions July next, faving only such Provisions and Warlike Stores as are necessary prohibited, for the Defence of each respective Vessel, outward bound, and victualling the laving. Mariners on board the same, during their intended Voyage, and whereof an Account in Writing shall be given by the Master of such Vessel on Oath, to the Impost Officer or his Deputy, on Pain of One Thousand Pounds Lawful Money, to be forfeited and paid by the Mafter, and the like Sum by the Owner and Owners, Factor and Factors of each respective Vessel in which any Warlike Stores or Provisions shall be exported or carried out of any Port or Harbour in this Province; one Moiety thereof to the Use of this Government, and the other Moiety to him or them that shall inform or fue for the same.

and be it further enacted, That if the Governour or Commander in Governour Chief for the Time being, shall see fit, with the Advice and Consent of the may prolong Council, to iffue a Proclamation, prohibiting the Exportation of Provisions the Time aor Warlike Stores out of this Province, for any Time after the faid twenty- bove limitted. fourth Day of July, not exceeding the twenty fourth Day of September in this present Year, the Master and Owner and Owners Factor and Factors of any Veffel or Veffels, on Board of which such Provisions or Warlike Stores shall be exported, contrary to such Proclamation, shall be respectively liable to the same Penalties as if the same had been exported before the said twentyfourth Day of July, contrary to this Act.

Provided always, That it shall and may be lawful for any Provisions or Impost Officer Warlike Stores to be exported for the Service of his Majesty's Sea or Land &c. their Fee, Forces on Board any Vessel or Vessels licenced for that Purpose by the Governour or Commander in Chief for the Time being, with the Advice of the Council. [Yy]Provided

172

Addition to the Stamp Act.

Proviso for Coasting Veffels &c.

Provided also, That it shall and may be lawful for Provisions and Warlike Stores to be laden and transported on board any Coasting Vessel or Vessels passing from one Port to another within this Province, Bond being first given in a Thousand Pounds Lawful Money, with sufficient Sureties to the Impost Officer or his Deputy to Reland the same, in some Town in this Province, and to return a Certificate thereof, from the Deputy Impost Officer residing in the Town where they are so Relanded, or from the Town Clerk of such Towns, wherein no Deputy Impost Officer resides.

Proviso also in Towns where the Fishery is carried on.

Provided also, That in such Towns where the Fishery is carried on, and neither the Impost Officer or his Deputy dwells, the Masters of Fishing Vessels may render the Account aforesaid on Oath to a Justice of the Peace, or the Town Clerk of the respective Towns out of which they sail, who is hereby impowered to take the same; and the Account so taken and attested, shall be by them transmitted to the Impost Officer, which shall be as effectual as the the same were taken by him or his Deputy.

Impost Officer his Fee.

and be it enacted, That the ImpostOfficer shall be allowed one Shilling for each Bond so taken; and every Justice and Town Clerk the like Sum for every such Certificate, by them respectively transmitted as aforesaid, to be paid by the Master.

The foregoing Ast was Published June 25. 1755.]

CHAP. V.

An Act in Addition to an Act Intitled An Act for granting to his Majesty several Duties upon Vellum, Parchment and Paper for two Years towards defraying the Charges of this Government.

Preamble.

Werds in former A& recited. WHEREAS in and by an Ast Intitled, An Ast for granting to his Majesty several Duties upon Vellum, Parchment and Paper for two Years, towards desreying the Charges of this Government, made and passed in the present Year of his Majesty's Reign; a Duty is laid in the Words following, viz. "For every Piece of Vellum or Parchment, "Sheet or Piece of Paper, on which any Deed or Mortgage of any Real Estate, the Consideration whereof shall be less than twenty Pounds, or any Bond or Obligation (those taken in the Probate Office excepted) or other sealed Instruments shall be engrossed or written, two Pence." And altho' it was fully intended that no Wills or other Instruments that were to be presented to or transacted in the Probate Office, should be liable to any Duty, and that no Warrants of any Sort should be subjected to any Stamp, yet some Doubts have arisen, Whether that Clause in the aforesaid Ast (or other sealed Instruments) does not make it necessary that all Instruments not particularly mentioned in said Ast should be stampt, to render them good and valid:

Wherefore for removing fuch Doubts for the future;

Infruments not liable to be stamped. Be it enacted by the Sovernour, Touncil and Doule of Reprecentatives, That no Wills or other Instruments that are to be presented to, or that are transacted in the Probate Office, and no Warrants from any Person or Persons that are authorized and impowered by Law to grant the same, shall be liable to be stamped, but that the same shall be held good and available in Law to all Intents and Purposes, without being stampt; any Thing in the aforementioned Act notwithstanding.

and

Scituate Beaches.

173

and be it further enacted, That the Commissioner or Commissioners Instruments appointed or to be appointed to receive the Duties mentioned in the aforefaid Act, shall not stamp or cause to be stampt any Capias, Original Sumbeing signed mons, or any Writ of Review, Writ of Scire Facias, or Writ of Execution, or fealed. or any other Writs what soever, after the same is filled up, nor any Deed, Bond or other Instrument, after the same is signed or sealed.

CHAP. VI.

An Act to prevent Damage being done on the Beach, Humocks and Meadows belonging to the Town of Scituate, lying between the Southerly End of the Third Cliff, so called, and the Mouth of the North-River.

THEREAS Persons frequently drive Numbers of Neat Cattle and Horses, and sometimes Sheep, if not restrained, to feed on the Beach, Humocks and Meadows of Scituate, lying between the third Cliff, and the Mouth of North-River, and oftentimes cut downTrees and Shrubs in said Humocks, and carry them away, whereby said Beach is broken, and the Land made loose, and by the Winds and Storms is drove on the said Meadow and Flats or Sedge Ground; and there is great Danger, if such Practices are not prevented, that the said Meadows and Sedge Ground will be utterly ruined, and the River greatly dam-

Be it therefore enacted by the Governour, Council and House of Representatives, That if any Neat Cattle, Horse-Kind or Sheep, shall Cattle found after the first Day of July next, be found feeding on said Beach, Humocks feeding on the or Sedge Ground adjoining to faid Beach, it shall and may be lawful faid to be imfor any Person to impound the same forthwith, giving Notice to the pounded. Owner or Owners, if known, otherwise to give publick Notice thereof, by posting up Notifications in some publick Place in said Town of Scituate; and the Impounder shall relieve said Creatures with suitable Meat and Water while impounded; and if the Owner thereof appear, he shall pay to the Impounder oneSbilling a-Head for allNeat-Cattle and Horse-Kind, and two Pence for every Sheep, and also the reasonable Costs for relieving them, besides the lawful Fees to the Pound-Keeper: And if no Owner appear within threeDays to redeem the faid Creatures so impounded, and pay as aforefaid; then and in every fuch Case, the Person or Persons impounding fuch Creatures shall cause the same to be fold at publick Vendue, To be sold and pay the Penalties as aforesaid, with all other Costs and Charges arising where the about the same, publick Notice of the Time and Place of such Sale being Owner does first given in the said Town of Scituate, and the two next adjacent Towns not appear. first given in the said Town of Scituate, and the two next adjacent Towns, three several Days before Hand; And the Overplus, if any there be, arising by fuch Sale, to be returned to the Owner or Owners of fuch Creatures, if he or they appear within two Months next after such Sale, upon his de-Disposal of manding the same; but if no Owner appears within said two Months to de- the Produce. mand the same, then the said Overplus shall be one Half to the Person imbounding, and the other Half to be returned to the Town Treasurer, for the Use of the Poor of the said Town of Scituate.

and be it further enacted, That if any Person or Persons shall pre-Penalty for fume to cut down any Tree or Shrub standing or growing on said Beach or Trees or Humocks, without Leave or Licence first had and obtained of said Town of Shrub, Scituate, he or they so offending, shall forfeit and pay to the Use of said

Revival of Laws.

Town the Sum of twenty Shillings for each Tree or Shrub fo cut down; And all fuch Methods and Proof shall be allowed in any Action to be brought by faid Town therefor, as is provided in an Act made in the twelfth Year of King George the first in Addition to an Act made for preventing of Trespasses.

This Act to be in Force for the Space of ten Years from the first Day of

July pext.

CHAP. VII.

An Act for reviving and continuing fundry Laws that are expired and near expiring.

Preamble.

THEREAS the several Acts berein after mentioned, which are now expired or near expiring, bave been found useful and beneficial, namely, two Acts made in the eighteenth Year of his present Majesty's Reign; one Intitled;

Sundry Laws expired or near expiring revived and

continued.

An Act to prevent Mischief being done by unruly Dogs.

The other Intitled,

An Act to prevent Neat Cattle and Horses running at large and feeding on the Beaches adjoining to Eastern-Harbour-Meadows in the Town of Truro. And one other Act made in the eighteenth and nineteenth Years of Said Reign, Intitled,

An Act to prevent unnecessary Cost being allowed to Parties and Witnesses in the several Courts of Justice within this Province.

And one AEt made in the twenty-second Year of Said Reign, Intitled,

An Act to prevent Damage being done on the Beach and Meadows in Plymouth adjoining to faid Beach, commonly known by the Name of Plymouth-Beach.

Four Asts made in the twenty-third Year of said Reign, one Intitled,

An Act against diminishing or counterseiting Money.

One other Intitled,

An Act in Addition to and for rendering more effectual an Act for the restraining the taking excessive Usury.

One other Intitled,

An Act to prevent Stage-Plays and other Theatrical Entertainments. And the other AET Intitled,

An Act to prevent Damage being done on the Meadows and Beaches lying in and adjoining on the North Side of the Town of Harwick, between Skeket-Harbour on the East and Setucket-Harbour on the West.

An Act made in the twenty-fourth Year of said Reign, Intitled,

An Act for the better Regulation of the Course of Judicial Proceedings.

An Act to prevent the Disturbance given the General Court, by the passing of Coaches, Chaises, Carts, Trucks and other Carriages by the Province Court-House.

Their Continuation for five Years

Be it therefore enacted by the Governour, Touncil and House of Representatives, That such of the before-mentioned Acts as are expired, from the 20th (with all and every Article, Clause, Matter and Thing therein respectively of June 1755. contained,) be and they hereby are revived: And such of said Acts as are near expiring, are continued, and shall be in Force from the twentieth Day of June Currant, for the Space of five Years, and to the End of the then next Session of the General Court, and no longer.

The three foregoing Asts were Published June 27th 1755.]



